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RESPONSE C AFTER Non-Comp.
ATTORNEY DOCKET NO.: HCDI1785

July 20, 2006

*****R*E*M*A*R*K*S*****

Applicants herewith submit this RESPONSE C after Notice, an Amendment and Response, in a bona fide attempt to advance the prosecution of this case and to answer each and every ground of rejection as set forth by the Examiner. Applicants respectfully request this Amendment be entered and further request re-examination and reconsideration of the above referenced patent application in view of the changes in the claims and the remarks as set forth below. If allowance of the claims is not forthcoming as a consequence of this Amendment, then it will put the application in a better condition for consideration on appeal.

On June 28, 2005, Applicant's same undersigned counsel filed Response B with the identifier, "Newly Amended". It is respectfully submitted that no harm resulted in such a harmless misnomer. It was perfectly understandable what Applicant submitted otherwise earlier the US/PTO would have objected. This is a simple case of estoppel and the Office should not penalize applicant for non compliance. Additionally, this amendment was submitted almost two years ago. It is untimely at this point to object to such formalistic technical details.

Finally, Applicant has made the amendments requested and submits the 2038 form requested.

Applicant has amended his claims to conform to the Examiner's suggestions. It is respectfully submitted that Claim 8 and all claims dependent therefrom are now in a condition for allowance.

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In no way should Applicant's amendment be construed as Applicant's agreement with the Examiner's interpretation of the law in this matter. Applicant will file its continuation application with the Claims as set forth in Response A and intends to immediately file an appeal in this matter should Examiner continue the same rejection in the continuation application.

Claim 8 Allowance

The Examiner has stated that "Claim 8 would be allowable if rewritten to overcome the rejections(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims." It is respectfully submitted that the addition of the limitations of Claim 6 are not necessary to overcome the cited references based upon the Examiner's Application of the references. This seems apparent that no further discussion is necessary and the Examiner has not cited any reasons for the necessity of the inclusion of this limitation.

CONCLUSION

Applicants herewith submit this Amendment in a bona fide attempt to advance the prosecution of this case and to answer each and every ground of rejection as set forth by the Examiner. Applicants respectfully request reconsideration of the above-identified application in view of the amendments to the specification, claims and drawings, and the remarks set forth above. If, after reading this Response C, the Examiner has any questions or issues which she would like to discuss with the Applicant's counsel in furtherance of the prosecution of this case, she is invited to contact the undersigned at the number given below.

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Respectfully submitted
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